IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3424 of 2006

Dated THE EIGHTEENTH DAY OF APRIL, 2006

Between

K.Anil Kumar …Petitioner

And

NTR University of Health Sciences, Vijayawada, Krishna Dist

Rep. By its Registrar, and, anr

…Respondents.

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 3424 OF 2006

ORDER:

The petitioner, a student prosecuting M.B.B.S course in Kakatiya Medical College, Warangal, has filed this Writ Petition challenging the order dated 5-9-2005 in proceedings No.4915/E1(A)/2005 passed by the first respondent.

On the ground that Flying Squad appointed by NTR University of Health Sciences had noticed that the petitioner had indulged in malpractices while writing examinations held in March/April 2005, orders were passed disqualifying the petitioner from appearing in any University Examinations for a period of one year, as a measure of punishment. Though several grounds are raised in the Writ Petition challenging the correctness of the order dated 5-9-2005, but however, it is brought to

my notice that as per Section 55 of the NTR University of Health Sciences Act 1986, remedy of appeal is provided to the Executive Council against the decision of any officer or authority of the University. On such appeal, the Executive Council may confirm or modify the decision of such officer or authority.

As much as the matter relates to an academic institution and the student is debarred as a measure of punishment to write examinations, and, remedy of appeal is provided in the very statute, there is no special reason to entertain this Writ Petition filed under Article 226 of the Constitution of India. As per the provision under Section 55 of the NTR University of Health Sciences Act 1986 appeal has to be preferred within the time stipulated in the statute of the University. But, however, the petitioner is bonafidely pursuing remedy in this petition under Article 226 of the Constitution of India. In that view of the matter, the Writ Petition is disposed of permitting the petitioner to file appeal to the Executive Council of the University within a period of two weeks from today. On filing such appeal, the first respondent-University is directed to place the same before the Executive Council in its next meeting, which shall consider the same and pass appropriate orders. It is open to the petitioner to raise various grounds in the appeal to be filed before the Executive Council.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

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DATED: 18-04-2006.

Issue CC by Monday

(BO) Msnr.

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